

Effective 5/10/2016

63N-13-210 Project agreement.

- (1) If the board accepts the detailed proposal, the executive director shall:
 - (a) prepare a project agreement in consultation with the affected department and any other state entity directly impacted by the detailed proposal; and
 - (b) enter into the project agreement with the private entity.
- (2) A project agreement shall be signed by the executive director, the affected department, a directly affected state entity or school district, and the private entity.
- (3) A project agreement shall include provisions concerning:
 - (a) the scope of the project;
 - (b) the pricing method of the project;
 - (c) the executive director's or the state's ability to terminate for convenience or for default, and any termination compensation to be paid to the private entity, if applicable;
 - (d) the ability to monitor performance under the project agreement;
 - (e) the appropriate limits of liability;
 - (f) the appropriate transition of services, if applicable;
 - (g) the exceptions from applicable rules and procedures for the implementation and administration of the project by the affected department, if any;
 - (h) the clauses and remedies applicable to state contracts under Title 63G, Chapter 6a, Part 12, Contracts and Change Orders; and
 - (i) any other matter reasonably requested by the committee or required by the board by rule.
- (4) An electronic copy of the signed project agreement shall be submitted to:
 - (a) the affected department; and
 - (b) the Executive Appropriations Committee.
- (5) A project agreement is considered a contract under Title 63G, Chapter 6a, Utah Procurement Code.
- (6) The affected department shall implement and administer the project agreement in accordance with rules made under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except as modified by the project agreement under Subsection (3)(g).

Amended by Chapter 222, 2016 General Session